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Chapter 1 – Maryland Tree Laws and Standards

Maryland DNR Forest Service – Urban & Community Forestry
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LAWS and STANDARDS

Maryland Tree Laws

Tree Expert Law
Roadside Tree Law
Reforestation Law
Forest Conservation Law

LAWS and STANDARDS

Maryland Tree Expert Law

The Tree Expert Law was adopted in 1945, providing a state-wide law addressing tree care work done for compensation on private or public property in Maryland.

LAWS and STANDARDS

Maryland Tree Expert Law

All tree care professionals practicing in Maryland must obtain a Tree Expert license.

Without a license, they may not practice or advertise tree care services in the state.

LAWS and STANDARDS

Maryland Tree Expert Law

The purpose of the Tree Expert Law is to provide a layer of consumer protection by licensing qualified and insured tree care companies and individuals.

LAWS and STANDARDS

Maryland Tree Expert Law

A “tree expert” is someone who engages in the business or work of the care and treatment of trees for compensation.

LAWS and STANDARDS

Maryland Tree Expert Law

Treatment & Care of trees includes:

- Making diagnoses;
- Prescribing the treatment of trees;
- Supervising the treatment of trees.

LAWS and STANDARDS

Maryland Tree Expert Law

“Tree Expert” means any person, whether they own their own business or are an employee of another person, working under the title of:

Arborist	
Tree specialist	Tree expert
Tree surgeon	Or otherwise

LAWS and STANDARDS

Maryland Tree Expert Law

- To obtain a license, the applicant must possess adequate and related college education plus one year of experience under a LTE;
- or, have five years experience under a Licensed Tree Expert (LTE);
- then, have passed an exam and carry adequate amounts of liability and property damage insurance.

LAWS and STANDARDS

Maryland Tree Expert Law

- The Department may permanently revoke or temporarily suspend the license of any LTE who is found guilty of:

→ any fraud or deceit in obtaining the license;

→ or negligence or wrongful conduct in the practice of tree culture or care.

LAWS and STANDARDS

Maryland Tree Expert Law

In order to prove negligence, the plaintiff must show:

- the defendant was under a duty to protect the plaintiff from injury;
- the defendant breached that duty;
- the plaintiff suffered actual injury or loss, and that loss resulted from the defendant's breach of duty.

LAWS and STANDARDS

Maryland Tree Expert Law

A conviction for a first offense under the Tree Expert law is punishable by:

- a fine of up to \$500; and/or,
- up to three months imprisonment; plus,
- court costs.

LAWS and STANDARDS

Maryland Tree Expert Law

An employee working under the supervision of a licensed tree expert may not be required to have a license of their own.

LAWS and STANDARDS

Maryland Roadside Tree Law

Passed in 1914, this Law and its regulations protect our roadside trees by:

- ensuring their proper care and protection; and
- ensuring their compatibility with an efficient and dependable public utility system.

LAWS and STANDARDS

Maryland Roadside Tree Law

- Before a roadside tree is trimmed or cared for in any way, a Tree Care Permit must be obtained from the Maryland DNR Forest Service.
- A *roadside tree* is any plant with a woody stem that grows all, or in part, within a public road right-of-way.
- A permit is also needed to plant a tree within the public road right-of-way.

LAWS and STANDARDS

Maryland Roadside Tree Law

Why Permits are Necessary

Permits are a good tool that help to protect our roadside trees. Issuance of Tree Care Permits is important to ensure:

- Only beneficial and necessary tree trimming, root cutting, fertilization, or other maintenance practices will be done and done correctly to roadside trees.

LAWS and STANDARDS

Maryland Roadside Tree Law

Why Permits are Necessary

Permits are a good tool that help to protect our street trees. Issuance of Tree Care Permits is important to ensure:

- Tree hazards are documented and corrective action, including removal and replacement, is done in a timely and safe manner by trained professionals (Licensed Tree Experts or Roadside Tree Care Experts).

LAWS and STANDARDS

Maryland Roadside Tree Law

Why Permits are Necessary (con't)

- The right tree (correct species and size) is planted in the right location, thereby avoiding future problems and conflicts with sidewalks, overhead and underground utilities, and sight distances.

LAWS and STANDARDS

Maryland Roadside Tree Law

The permit procedure requires that the **property owner** who has a roadside tree (within the public road right-of-way) in front of his/her property signs the application.

If the roadside tree straddles two properties, both **owners** must sign the same application.

LAWS and STANDARDS

Maryland Roadside Tree Law

The permit itself does not grant permission to do the tree work.

Permission must be granted by the tree owner.

DNR Forest Service may not enter private property without the permission of the property owner in order to enforce the RSTL or Tree Expert Law.

LAWS and STANDARDS

Maryland Roadside Tree Law

If the owner of a tree employs an unlicensed person to trim a tree in Maryland, the owner is not guilty under the Roadside Tree Law.

The responsibility is on the person who is doing the tree work.

LAWS and STANDARDS

Maryland Roadside Tree Law

Maryland has adopted the so-called Massachusetts Rule that limits a landowner's remedy against encroaching vegetation to "self-help" in nearly all circumstances.

A landowner must assume responsibility for the care & preservation of his/her own property.

LAWS and STANDARDS

Maryland Roadside Tree Law

Under the "self-help" rule, a neighbor can cut back encroaching limbs or roots of an adjoining neighbor's tree to the property line, but they:

- May not destroy the tree by the pruning;
- May not cut down the tree itself;
- Must stop at the boundary line, unless they have the neighbor's permission.

LAWS and STANDARDS

Maryland Roadside Tree Law

Any person who trespasses and removes trees, unless they work for a public service company or a public roads agency, is liable for:

- Any surveys or appraisals needed;
- Any court costs that may incurred;
- Triple the amount of the value of the trees or timber cut.

LAWS and STANDARDS

Maryland Roadside Tree Law

Under Maryland law, a “trespasser” is a person who intentionally and without consent or privilege enters another’s property.

Action for trespass to real property may be maintained whether or not the person was aware that they were trespassing.

LAWS and STANDARDS

Maryland Roadside Tree Law

- A **roadside tree** is any plant with a woody stem that grows all or in part within a public road right-of-way.



Eric Warnick, MD DNR Forest Service

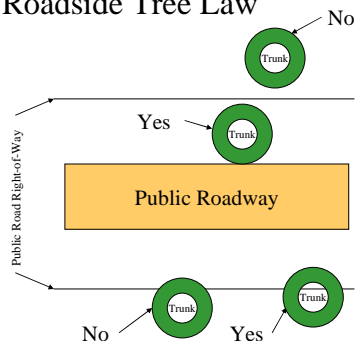
LAWS and STANDARDS

Maryland Roadside Tree Law

Is this a Roadside Tree?

Green circle represents the crown of the tree.

The inside circle is the trunk.



LAWS and STANDARDS

Maryland Roadside Tree Law

Tree Care under the Roadside Tree Law is defined as:

- Removal of a roadside tree;
- Planting or maintenance, or both, of a roadside tree;
- Application of pesticide to a roadside tree; or
- Treatment that may affect the health or growth of a roadside tree.

LAWS and STANDARDS

Maryland Roadside Tree Law

Any work, including removal, performed on a roadside tree must be done by a Licensed Tree Expert (LTE) or Roadside Tree Care Expert (RSCTE), or someone working under the supervision of LTE or RSCTE.

A permit is also needed to plant a tree within the public road right-of-way.

LAWS and STANDARDS

Maryland Roadside Tree Law

A person may cut down or prune a roadside tree without a permit only if the tree:

- Is uprooted or broken and in contact with an electric line;
- Its branches are in immediate danger to persons or property;
- Stands within the right-of-way of a dedicated but unimproved road.

LAWS and STANDARDS

Maryland Roadside Tree Law

Standards

Branches to be removed shall be cut back to a live lateral at least 1/3 the diameter of the severed branch.

LAWS and STANDARDS

Maryland Roadside Tree Law

Standards

Cuts shall be made sufficiently close to the trunk or parent limb without cutting into the branch collar or leaving a protruding stub.

LAWS and STANDARDS

Maryland Roadside Tree Law

Standards

Proper pruning techniques shall be followed at all times.

The State of Maryland requires all Licensed Tree Experts to follow ANSI A300 (part 1)-2001 pruning standards.

LAWS and STANDARDS

**Maryland Roadside Tree Law
Standards**

Except when directed by the Forest Service,
pruning cuts shall be left unpainted for
aesthetic reasons.

LAWS and STANDARDS

**Maryland Roadside Tree Law
Standards**

If the painting of cuts is required, only
materials nontoxic to the cambium layer shall
be used.

LAWS and STANDARDS

**Maryland Roadside Tree Law
Standards**

Dangerous deadwood and broken limbs which
are located within the scope of the work as
defined in the permit shall be removed.

LAWS and STANDARDS

Maryland Roadside Tree Law

Standards

Except when authorized by the Forest Service or when the tree is being removed, climbing hooks or spurs are prohibited.

LAWS and STANDARDS

Maryland Roadside Tree Law

Standards

Chips resulting from roadside trees may:

- be broadcast on a right-of-way except in ditches, waterways, turf, and surfaced areas; and,
- not exceed 6 inches in depth on the right-of-way.

LAWS and STANDARDS

Maryland Roadside Tree Law

Standards

The wrapping or winding of cable, wires, and other attachments around a tree, fastening attachments to a tree to bruise or injure a tree, or cavity work performed on a tree, is prohibited.

LAWS and STANDARDS

Maryland Roadside Tree Law

Standards

When trees are removed from the right-of-way, replacement of those trees may be required by the Forest Service.

LAWS and STANDARDS

Maryland Roadside Tree Law

Standards

Persons clearing for utility wires, cables, or other facilities shall:

- allow sufficient clearance for 2 years growth;
- take into account the health of the tree;
- make proper cuts to direct growth away from the lines.

LAWS and STANDARDS

Maryland Roadside Tree Law

Standards

The critical root zone of a tree should be protected during tree care operations.

The State Forest Conservation Manual defines the critical root zone as a circle with a radius of 1.5 feet for every 1 inch diameter of the tree at breast height (dbh).

LAWS and STANDARDS

Maryland Roadside Tree Law

Standards

If a trimmed tree dies within one year or is in poor condition of growth as a result of trimming, the Forest Service may require the permittee to remove and replace the trees.

LAWS and STANDARDS

Maryland Roadside Tree Law

Standards

Damage sustained by a tree, such as broken limbs, roots, or scarred trunks, including compaction damage, shall be repaired by the permittee.

LAWS and STANDARDS

Maryland Roadside Tree Law

When root pruning or cutting trenches around roadside trees, the maximum diameter root that may be cut without approval of the Forest Service is 1"

LAWS and STANDARDS

Maryland Roadside Tree Law

When tree care is performed on a roadside tree without a permit, a fine may be assessed or more severe actions taken by the Department of Natural Resources.

LAWS and STANDARDS

Maryland Roadside Tree Law

- Removing or trimming a roadside tree w/o a permit - (\$260)
- Removing or trimming or treating a roadside tree w/o a permit – (\$260)
- Failure to meet tree care standards - (\$120)
- Failure to meet clearance standards or to replace trees – (\$120)
- Failure to meet underground project standards- (\$120)
- Misuse of herbicides – (\$120)
- Failure to meet tree planting specifications –(\$70)

LAWS and STANDARDS

Maryland Roadside Tree Law

Roadside Tree Blanket permits are issued to **State agencies, counties, municipalities** and utilities for continuing programs of general tree care.

LAWS and STANDARDS

Maryland Roadside Tree Law

- Roadside Tree Individual (RTI) permits are issued for a specific tree or group of trees for specific tree care operations.
- **Individual projects** not covered by a blanket permit



LAWS and STANDARDS

Maryland Reforestation Law

- When highway construction using State funds causes the cutting or clearing of forests lands, the Maryland Reforestation Law requires that these trees be replaced.
- Replacement is one acre planted for one acre removed.

LAWS and STANDARDS

Maryland Forest Conservation Law

Any activity requiring an application for a subdivision, grading permit or sediment control permit on areas 40,000 square feet or greater is subject to the Forest Conservation Act and will require a Forest Conservation plan.

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<http://www.dnr.state.md.us/forests/treelaws>

Maryland Department of Natural
Resources-Forest Service

Urban & Community Forestry Program

Visit us on our website at www.dnr.maryland.gov



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